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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT	Docket Number (Optional) 4696C1



In re Application of	
Donald R. Sandell	
Application Number **10/756,219**	Filed **January 12, 2004**
For **DEVICE AND METHOD FOR THERMAL CYCLING**	
Group Art Unit **1744**	Examiner **William H. Beisner**

Applera Corporation, the owner* of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer, of prior Patent No. 6,677,151. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney of record.

May 18, 2005
Date

Signature

Phil N. Makrogiannis 47,766
Typed or printed name Reg. No.

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is estimated to be $130.00. Please charge the required fee to **Applied Biosystems Deposit Account No. 01-2213**. A copy of this sheet is enclosed for accounting purposes.

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